

MINUTE ENTRY

10:00 a.m.

UNITED STATES OF AMERICA -v- HUANG, ZHONG

PRESENT: HON. ALEX R. MUNSON, Chief Judge Presiding  
SANAE SHMULL, Court Reporter  
K. LYNN LEMIEUX, Courtroom Deputy  
JAMIE BOWERS, Assistant U. S. Attorney  
PERRY INOS, Counsel for Defendant  
HUANG, ZHONG, Defendant

PROCEEDING: SENTENCING

Defendant was present with his court appointed counsel, Attorney Perry Inos. Government by Jamie Bowers, AUSA. Also present was U.S. Probation Officer, Margarita Wonenberg.

Yu Mei Xie was present and sworn as Interpreter/Translator of the Mandarin language.

No objection by the government of the presentence report but wanted to clarify certain statements in the report. Court so noted. Counsel for defendant had some objections. Court so noted.

Court adopted the amended presentence investigation report and instructed the Clerk to file the report, under seal, and that the report be made available if the judgment is appealed. The probation officer's recommendation shall also be placed under seal. No objection by the parties.

Government recommended that the sentencing should be sentenced to 10 months. Defense recommended that the defendant be sentenced on the low-end of the guideline range. Defendant gave his allocution to the Court.

SENTENCE: Pursuant to the Sentencing Reform Act of 1984, it is the judgment of the Court that the defendant HUANG, ZHONG is hereby sentenced to 10 months for each of Count I and Count II, with credit for time already served, to be served concurrently.

Upon release from imprisonment, the defendant shall be placed on supervised release for a term of two (2) years. The term of supervised release will commence immediately and will require that the defendant comply with the following conditions:

1. That the defendant shall not commit another federal, state or local crime;
2. That the defendant shall not unlawfully possess a controlled substance and shall refrain from any unlawful use of a controlled substance. He shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug test thereafter;
3. That the defendant shall comply with the standard conditions of supervised release as set forth by the U. S. Sentencing Commission;
4. That the defendant shall be prohibited from possessing a firearm or other dangerous weapon;
5. Based upon the defendant's representation that he will immediately depart the

Commonwealth of the Northern Mariana Islands upon being released from prison, it is ordered that the U.S. Marshal accompany defendant to the airport and escort him onto an airplane to the People's Republic of China, as soon as can be arranged, and that the defendant remain in the Custody of the U.S. Marshal until he leaves the Commonwealth of the Northern Mariana Islands to the People's Republic of China. That the defendant voluntarily depart the Commonwealth of the Northern Mariana Islands within 5 days after his release from imprisonment. If that departure fails to occur, the defendant shall be delivered to a duly authorized immigration official for deportation proceedings in accordance to Title 3, Commonwealth Code, Section 4340. As a further condition of supervised release, if ordered deported, the defendant shall remain outside the United States and shall not re-enter without the permission of the U.S. Attorney General of the United States. If deportation fails to occur and the defendant is released from confinement pending further immigration proceedings, he shall immediately report to the U.S. Probation Office to begin his term of supervised release.

All fines were waived as the defendant does not have the ability to pay a fine.

It was further ordered that the defendant shall pay to the Court a special assessment fee of \$200 which is to be paid during the term of his incarceration.

No objection to the sentence by the attorneys. Defendant was advised that he had ten days in which to appeal his sentence. Further, the defendant was advised of his right to an attorney for appeal.

Adj 10:35 a.m.

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Applies to: DFT Zhong, Huang [KLL EOD 12/28/2004]